

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 FEA-01 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 AF-08 ARA-06 EA-07 EUR-12 NEA-10 ACDA-07

EB-07 NRC-05 OES-06 /129 W
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R 041458Z AUG 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 7900

INFO AMEMBASSY STOCKHOLM

AMEMBASSY MADRID

AMEMBASSY ROME

AMEMBASSY PRETORIA

AMEMBASSY TRIPOLI

AMEMBASSY DAKAR

AMEMBASSY KINSHASA

AMEMBASSY LUSAKA

AMCONSUL CAPE TOWN

USERDA HQ WASHDC

USERDA HQ GERMANTOWN

USUN NEW YORK 3590

C O N F I D E N T I A L SECTION 1 OF 2 IAEA VIENNA 6457

DEPT PASS IO/SCT

E.O. 11652: GDS

TAGS: IAEA, AORG, SF

SUBJECT: FUTURE OF SOUTH AFRICA IN IAEA

REF: (A) STATE 143086, (B) IAEA VIENNA 6060 (NOTAL)

SUMMARY: SINCE JUNE MEETING OF IAEA BOARD OF GOVS,
AT WHICH RESERVATIONS RE DESIGNATION OF SOUTH AFRICA
AS MEMBER IAEA BOARD OF GOVS FOR 1976-77 WERE STATED
BY ELEVEN MEMBERS (REPORTED REFTEL B), MISSION HAD
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BEEN UNABLE TO DETECT ANY INDICATION OR EVEN EXPECTATION

OF CHALLENGE TO SAG MEMBERSHIPS IN IAEA UNTIL RECENT VISIT TO IAEA OF LESLIE HARRIMAN (NIGERIA), CHAIRMAN OF APARTHEID COMMITTEE OF UNGA. HARRIMAN IS REPORTED TO HAVE INFORMED ACTING DIRGEN BITTENCOURT THAT HE INTENDS BE PRESENT AT SEPTEMBER IAEA GEN CONF IN RIO FOR EXPRESS PURPOSE OF SEEKING EXPULSION OF SAG FROM IAEA. WHEIL MISSION COULD NOT RPT NOT RULE OUT THAT POSSIBILITY, ACTION FOCUSING ON PREVENTING SAG FROM TAKING SEAT ON BOARD AT INITIAL MEETING OF NEW BOARD IMMEDIATELY FOLLOWING GEN CONF IS CONSIDERED MORE LIKELY AND WITH MUCH GREATER CHANCE OF SUCCESS. ACTION REQUESTED: ADVICE RE TACTICS. END SUMMARY.

1. REFTTEL B REPORTED THAT DURING IAEA BOARD'S ANNUAL CONSIDERATION, AT ITS JUNE MEETING, OF DESIGNATION OF MEMBERS OF IAEA "MOST ADVANCED IN THE TECHNOLOGY OF ATOMIC ENERGY, INCLUDING THE PRODUCTION OF SOURCE MATERIALS" (ART. VI A OF STATUTE), IRAQ ENTERED "RESERVATION" IN RECORD RE DESIGNATION OF SOUTH AFRICA AS MOST ADVANCED IN AREA OF AFRICA. ZAIRE, ZAMBIA, LIBYA, YUGOSLAVIA, USSR, INDIA, INDONESIA, SENEGAL, BANGLADESH AND GDR ENTERED SIMILAR "RESERVATIONS." WE UNDERSTAND THAT USE OF THAT FORMULA WAS RESULT OF ADVICE FROM IAEA SECRETARIAT TO IRAQI GOVERNOR, IN ORDER TO AVOID UNPRECEDENTED VOTE ON MATTER AND PERMIT USUAL BOARD CONSENSUS ON DESIGNATION OF "MOST ADVANCED" MEMBERS, AS CALLED FOR IN ATATUTE.

2. UNTIL RECENTLY, NO INDICATION OF ANY ACTIONS HOSTILE TO SAG AT SEPTEMBER GEN CONF IN RIO HAD BEEN PICKED UP BY MISSION OR IAEA SECRETARIAT. WE DID PICK UP REPORT THAT RECENT MEETING OF OAU HAD GIVEN ATTENTION TO IAEA, BUT REPORT WAS IN CONTEXT OF SELECTION OF AFRICAN CANDIDATES FOR MEMBERS OF BOARD TO BE ELECTED AT GEN CONF (APART FROM THOSE "DESIGNATED" BY OUTGOING BOARD). THIS SEEMS TO BE CONFIRMED BY ACTION OF NIGERIA, WITHIN PAST WEEK, ANNOUNCING ITS CANDIDACY FOR ONE OF TWO ELECTED AFRICAN SEATS ON BOARD.

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3. MISSION WOULD BE INTERESTED IN REPORTS FROM THOSE ADDRESSEE POSTS WITH BETTER SOURCES OF INFO THAN OURS RE DISCUSSION OF IAEA MATTERS AT OAU MEETING, WHICH MAY HAVE INCLUDED ACTION AGAINST SAG.

4. QUIET ON ISSUE OF SAG WAS BROKEN JULY 23, BY

CALL ON ACTING DIR GEN BITTENCOURT BY LESLIE HARRIMAN, CHAIRMAN OF UNGA COMMITTEE ON APARTHEID. DURING COURSE OF ONE-HOUR CONVERSATION, HARRIMAN STATED HIS INTENTION TO BE PRESENT IN RIO DURING GEN CONF FOR EXPRESS PURPOSE OF COORDINATING EFFORT TO EXPEL SAG FROM MEMBERSHIP IN AGENCY. IN THAT CONNECTION, HE QUERIED BITTENCOURT RE PROCEDURE FOLLOWED IN CASE OF REPUBLIC OF CHINA, COMPOSITION OF BOARD AND OTHER INFORMATION PERTINENT TO HIS OBJECTIVE.

5. ASST. DIR GEN FISCHER'S INITIAL REACTION IS THAT HARRIMAN WILL NOT RPT NOT BECOME ELIGIBLE TO ATTEND GEN CONF SIMPLY BY VIRTUE OF CHAIRMANSHIP OF UNGA COMMITTEE. HE COULD, OF COURSE, ARRANGE TO BE INCLUDED AS MEMBER NIGERIAN DEL, BUT HE HAS REPORTEDLY INDICATED TO BITTENCOURT THAT HE HAS NO INTEREST IN THAT APPROACH, PRESUMABLY BECAUSE HE WOULD NOT HEAD DEL AND PROBABLY CONSIDERS UNGA COMMITTEE CHAIRMANSHIP AS MORE PRESTIGIOUS, IN ANY EVENT. HE MIGHT ARRANGE TO HAVE HIMSELF APPOINTED BY UNSYG AS UN REP, BUT IT WOULD SEEM INAPPROPRIATE FOR SUCH REP TO ENGAGE IN BLATANT LOBBYING SUCH AS HARRIMAN CONTEMPLATES. IN ANY EVENT, HE WOULD BE ABLE TO WORK ON THE EDGES OF THE CONFERENCE TO ACCOMPLISH HIS PURPOSES, WITHOUT BEING ACCREDITED IN ANY CAPACITY.

6. MISSION'S ASSESSMENT IS THAT EXPULSION OF SAG WILL BE DIFFICULT TO ACCOMPLISH AT GEN CONF. FOR WHAT IT IS WORTH, AGENCY STATUTE PROVIDES ONLY FOR SUSPENSION OF PRIVILEGES AND RIGHTS OF MEMBERSHIP IN EVENT A MEMBER "HAS PERSISTENTLY VIOLATED THE PROVISIONS OF THIS STATUTE OR OF ANY AGREEMENT ENTERED INTO BY IT PURSUANT TO THIS STATUTE" (ART XIX.B) BY

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ACTION OF GEN CONF (BY TWO-THIRDS MAJORITY OF THOSE MEMBERS PRESENT AND VOTING) UPON RECOMMENDATIONS BY BOARD OF GOVS. THE ONLY PROVISION OF THE STATUTE WHICH CONCEIVABLY COULD BE USED AS A BASIS FOR RECOURSE TO SUCH PROCEDURE IN CASE OF SAG WOULD BE ART III.B OF STATUTE, RELEVANT PART OF WHICH READS, "IN CARRYING OUT ITS FUNCTIONS, THE AGENCY SHALL:

1. CONDUCT ITS ACTIVITIES IN ACCORDANCE WITH THE PURPOSES AND PRINCIPLES OF THE UNITED NATIONS TO PROMOTE PEACE AND INTERNATIONAL CO-OPERATION AND IN CONFORMITY WITH POLICIES OF THE UNITED NATIONS..."

THE ARGUMENT MIGHT BE MADE THAT NO ACTIVITY OF THE AGENCY IN WHICH SAG PARTICIPATES CAN BE CONDUCTED IN ACCORDANCE WITH PURPOSES AND PRINCIPLES, ETC., SO LONG AS SAG MAINTAINS ITS RACIAL POLICIES. IN OUR

VIEW, THIS WILL BE DIFFICULT TO SELL TO MAJORITY OF
BOARD AT ITS PRE-GEN CONF MEETING SEPTEMBER 17,
PARTICULARLY IN LIGHT OF FRENCH AND SAG INTENTION TO
SUBMIT TO THAT BOARD FOR ITS APPROVAL AN AGREEMENT
PROVIDING FOR SAFEGUARDS ON TWO LARGE NUCLEAR POWER
REACTORS IN SOUTH AFRICA TO BE SUPPLIED BY FRENCH.

7. AS FAR AS WE KNOW, INITIATIVE TO BRING FRENCH/
SAG/IAEA SAFEGUARDS AGREEMENT TO SEPTEMBER 17 BOARD

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R 041458Z AUG 76

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C O N F I D E N T I A L SECTION 2 OF 2 IAEA VIENNA 6457

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CAME ON JULY 28 FROM FRENCH, WHO ARE PROBABLY
MOTIVATED BY NEED FOR SAFEGUARDS AGREEMENT ON FRENCH-
SUPPLIED REACTORS IN ORDER TO COMPLY WITH NSG GUIDELINES.
FRENCH ASSESSMENT OF LIKELIHOOD OF SOME FORM
OF ACTION HOSTILE TO SAG IN SEPTEMBER GEN CONF OR LATER MAY
VERY WELL HAVE LED THEM TO CONCLUDE THAT SEPTEMBER 17 BOARD
WAS LAST CLEAR OPPORTUNITY FOR BOTH BORARD AND SAG TO ACT
IN HARMONY.

8. EARLIER ON SAME DAY THAT FRENCH GOV. GOLDSCHMIDT GAVE WORD
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TO SECRETARIAT THAT FRENCH NEGOTIATORS WOULD BE IN VIENNA
JULY 30, SAG AMB. VON SCHIRNDING HAD INVITED LABOWITZ TO
LUNCH FOR DISCUSSION OF UPCOMING GEN CONF. DURING THE DISCUS-
SION VON SCHIRNDING MENTIONED THAT QUESTION OF TIMING OF
PRESENTATION TO BOARD OF SAFEGUARDS AGREEMENT WAS UNRE-
SOLVED AND CONSIDERATION WAS BEING GIVEN TO TACTICAL AD-
VANTAGE OF PRESENTATION TO SEPTEMBER 17 BOARD VERSUS HOLDING
OFF IN ORDER TO PROVIDE ARGUMENT AGAINST HOSTILE ACTION
GEN CONF AND NEW BOARD. FOR EXAMPLE, IF SEPTEMBER 17 BOARD
APPROVED AGREEMENT WITH SAG OF IMPORTANCE TO OTHER AFRICAN
GOVERNMENTS, HOW COULD LEGITIMACY OF CREDENTIALS OF SAME
SAG BE QUESTIONED? ALTERNATIVELY, SAG COULD HOLD OFF SUB-
MISSION TO BOARD UNTIL AFTER GEN CONF (AS PRACTICAL MATTER
UNTIL FEBRUARY BOARD MEETING) AND HOLD AGREEMENT HOSTAGE
AGAINST HOSTILE ACTION IN GEN CONF OR POST-GEN CONF BOARD
MEETING. WHILE NOT RPT NOT MENTIONED EXPLICITLY BY VON
SCHIRNDING LIKELIHOOD OF ACTION HOSTILE TO SAG EVEN IN EVENT
SEPTEMBER 17 BOARD APPROVED SAFEGUARDS AGREEMENT, COULD LEAD
SAG TO LET IT BE KNOWN THAT IT WOULD NOT RPT NOT BRING
AGREEMENT INTO FORCE, SINCE HOSTILITY IN IAEA ORGANS WOULD
BE CLEAR INDICATION THAT IAEA COULD NOT APPLY SAFEGUARDS
IN SAG IN UNBIASED OBJECTIVE MANNER. THUS, FRENCH MOVE, IN
WHICH SAG HAS OBVIOUSLY ACQUIESCED (VON SCHIRNDING, IS ACTIVE
IN NEGOTIATIONS WHICH STARTED IN MORNING JULY 30 AND CONTINUED
INTO EVENING) DOES NOT NECESSARILY PREJUDICE SAG'S TACTICAL
POSITION.

9. WHILE WE DO NOT RULE OUT ACTION IN GEN CONF TO SUSPEND
MEMBERSHIP OF SAG, (ALBEIT ILLEGALLY), PARTICULARLY IF FURTHER
DEMONSTRATIONS OR ALLEGED BORDER INCIDENTS ARE ON FRONT
PAGES AT THAT TIME, WE BELIEVE IT MORE LIKELY THAT CREDENTIALS
OF SAG DEL WILL BE CHALLENGED. UNGA PROVIDES AMPLE PRECEDENT
FOR SUCH ACTION. REPORT OF GENERAL COMMITTEE ON CREDENTIALS
(WHICH WOULD UNLIKELY RAISE QUESTION) IS NORMALLY ARRANGED
TO BE SUBMITTED TO PLENARY
LATE IN SESSION. GEN CONF RULES PERMIT DEL WHOSE ADMISSION
HAS BEEN QUESTIONED TO BE SEATED PROVISIONALLY WITH SAME
RIGHTS AS OTHER DELS. THUS, EVEN IF PLENARY, BY SIMPLE

MAJORITY, REFUSES TO ACCEPT SAG DEL'S CREDENTIALS, ACTION
WOULD BE LARGELY SYMBOLIC AS FAR AS THAT SESSION OF GEN
CONF IS CONCERNED, BUT WOULD HAVE EFFECT ON SAG PARTICIPATION
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ON NEW BOARD. IMPRESSION HERE IS THAT, IF QUESTION OF
CREDENTIALS IS RAISED IN GEN CONF, DELS WILL GENERALLY BE
UNDER INSTRUCTIONS TO VOTE AS IN UNGA AND THAT MAJORITY OF
THOSE PRESENT AND VOTING WILL LIKELY VOTE AGAINST SEATING
OF SAG DEL. APPROVAL BY PRE-GEN CONF BOARD OF FRENCH/SAG/IAEA
SAFEGUARDS AGREEMENT LOGICALLY SHOULD AFFECT THAT VOTE;
BUT THERE IS DOUBT HERE THAT LOGIC WOULD PREVAIL.

10. QUESTION OF CREDENTIALS IS EVEN MORE LIKELY TO COME
UP AT INITIAL MEETING OF NEW BOARD OF GOVS IMMEDIATELY
FOLLOWING GEN CONF, WHETHER OR NOT CREDENTIALS ISSUE HAD
PREVIOUSLY BEEN RAISED RE SAG GEN CONF DEL. RULE 3 OF
PROVISIONAL RULES OF PROCEDURE OF BOARD CALLS FOR SUBMISSION
TO DIR GEN OF CREDENTIALS OF EACH GOVERNOR "BEFORE OR AT
THE FIRST MEETING WHICH HE IS TO ATTEND." THIS HAS ALWAYS
BEEN INTERPRETED SUCH THAT "FIRST MEETING" MEANS FIRST MEETING
OF NEWLY CONSTITUTED BOARD, WHETHER GOVERNOR HAS BEEN ON
PREVIOUS BOARD OR NOT. THUS, DIR GEN HAS ALWAYS REPORTED TO
BOARD, PURSUANT TO RULE 4, ON CREDENTIALS OF ALL GOVERNORS
ON NEW BOARD AND BOARD HAS APPROVED HIS REPORT. ACCORDINGLY,
CREDENTIALS OF SAG GOVERNOR WILL BE SUBJECT TO APPROVAL BY
POST-GEN CONF BOARD. AMONG THOSE MEMBERS OF PRESENT BOARD
WHO ENTERED RESERVATION IN JUNE MEETING RE DESIGNATION OF
SAG AS BOARD MEMBER, SEVERAL WILL LEAVE THEIR SEATS BEFORE
POST-GEN CONF BOARD. IRAQ WILL LIKELY BE REPLACED BY EGYPT
(BUT IRAQ OR PAKISTAN WILL LIKELY TAKE UP IRAN'S SEAT) AND
ZAIRE AND ZAMBIA WILL LIKELY BE REPLACED BY NIGERIA AND
ANOTHER BLACK AFRICAN MEMBER. GDR WILL BE REPLACED BY
ANOTHER EAST EUROPEAN MEMBER. URUGUAY, WHO DEFENDED DESIGNA-
TION OF SAG, WILL LIKELY BE REPLACED WITH MEXICO. VENEZUELA,
SPAIN, THAILAND AND TURKEY (WHO WERE SILENT) WILL LIKELY
BE REPLACED RESPECTIVELY WITH PANAMA, BELGIUM, MALAYSIA AND
PORTUGAL. SOME OF PRESENT MEMBERS WHO WERE SILENT IN JUNE
WILL REMAIN ON NEW BOARD, SUCH AS POLAND AND PHILIPPINES,
AND ARE CERTAIN TO VOTE AGAINST ACCEPTING SAG CREDENTIALS IF
QUESTION IS BROUGHT TO VOTE. OUR ASSESSMENT IS THAT,
IF ONE OR MORE WEST EUROPEANS (ITALY, DENMARK, BELGIUM
OR NETHERLANDS) OR SOUTH AMERICANS (COLOMBIA OR
BRAZIL) MERELY ABSTAIN ON SUCH VOTE, SAG GOVERNOR
WILL NOT BE PERMITTED TO TAKE HIS SEAT. THIS
ASSESSMENT IS INDEPENDENT OF OUTCOME BY ANY ACTION
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ON SAG GEN CONF DEL, BUT WOULD BE REINFORCED IF
GEN CONF REFUSES TO ACCEPT SAG DEL'S CREDENTIALS.

11. AS FOR SUGGESTIONS ON TACTICS USG MIGHT EMPLOY
TO HEAD OFF ACTION AGAINST SAG, WE TOO WOULD WELCOME
ANY IDEAS, BEYOND OBVIOUS ONE OF EMPHASIZING TO ALL
DELS AND GOVERNORS IMPORTANCE, PARTICULARLY TO
OTHER AFRICAN MEMBERS, OF AGENCY SAFEGUARDS IN SOUTH
AFRICA AND NECESSITY OF AVOIDANCE OF ACTIONS WHICH
WOULD GIVE SAG BASIS FOR REFUSING TO ACCEPT SAFE-
GUARDS.STONE

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